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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,422	12/17/2001	Oscar A. Zuniga	10016478-1	3354

7590

05/25/2005

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EXAMINER

QUELER, ADAM M

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,422

Applicant(s)

ZUNIGA ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 8-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application received 12/17/2001.
2. Claims 1-27 are pending in the case. Claims 1-7 are withdrawn. Claims 8 and 14 are pending independent claims.

Election/Restrictions

3. Applicant's election without traverse of Group II in the reply filed on 03/03/2005 is acknowledged.
4. Claims 8-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03/03/2005.

Claim Rejections - 35 USC § 102

5. Claims 8-22, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Quentin et al. (US005208745A , patented 6/4/1990).

Regarding independent claim(s) 8, Quentin teaches receiving a multimedia presentation (col. 4, 11. 48-54). Quentin teaches separating the media (col. 5, 11. 62-65). Quentin teaches a multi-function device (Fig. 1).

Regarding dependent claim(s) 9, Quentin teaches displaying media (col. 12, 11. 41-43).

Regarding dependent claim(s) 10, Quentin teaches printing media (col. 5, line 52).

Regarding dependent claim(s) 11, Quentin teaches generating sound from media (col. 5, line 52).

Regarding dependent claim(s) 12, Quentin teaches the audio is used to help a user with the first media. This is determined to be an annotation.

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Regarding dependent claim(s) 13, Quentin teaches synchronizing the media (col. 4, line 67 - col. 5, line 6).

Regarding independent claim(s) 14, Quentin teaches transducers for formatting the two media (col. 4, ll. 41-47). Quentin teaches receiving a multimedia presentation (col. 4, ll. 48-54).

Quentin teaches separating the media (col. 5, ll. 62-65). Quentin teaches the media are for network delivery (col. 23, line 50 - col. 24, line 24). Quentin teaches a multi-function device (Fig. 1).

Regarding dependent claim(s) 15, Quentin teaches an interface (col. 2, ll. 24-25).

Regarding dependent claim(s) 16, Quentin teaches sending to a network destination (col. 23, line 50 - col. 24, line 24).

Regarding dependent claim(s) 17, Quentin teaches receiving at network destination (col. 23, line 50 - col. 24, line 24).

Regarding dependent claim(s) 18, Quentin teaches synchronizing the media (col. 4, line 67 col. 5, line 6).

Regarding dependent claim(s) 19, Quentin teaches an audio transducer (col. 4, ll. 41-43).

Regarding dependent claim(s) 20, Quentin teaches a screen for display, or imaging transducer (col. 4, ll. 15-16).

Regarding independent claim(s) 21, Quentin teaches a multi-function device (Fig. 1). Quentin teaches separating the media (col. 5, ll. 62-65). Quentin teaches outputting the visual component c19.11.14, as well as the audio (col. 19, ll. 50-60).

Regarding dependent claim(s) 22, Quentin teaches a networked computer (col. 23, line 50 - col. 24, line 24).

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Regarding dependent claim(s) 26, Quentin teaches outputting based on a tag (col. 6, ll. 1-12).

Quentin teaches that the visual and audio media are synchronized and outputted (col. 5, ll. 4-6).

Regarding dependent claim(s) 27, Quentin teaches outputting a message (col. 5, ll. 50-54).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quentin.**

Regarding dependent claim(s) 23, Quentin discloses a satellite system used for communication (col. 23, line 50 - col. 24, line 24). Quentin does not teach an Internet site. Official Notice is taken that the time of the current invention an Internet website was a well-known, common and desirable way to communicate with remote device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the satellite system of Quentin with a well-known website, as the Internet was known to be cheaper than a satellite communication network, and this would not change the essential function of Quentin.

Regarding dependent claim(s) 24, it would be have been obvious to substitute the Internet for the communication means of Quentin as described in claim 23 above. Given that obviousness any communication from the website would inherently be a computer readable data file.

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Regarding dependent claim(s) 25, it would be have been obvious to substitute the Internet for the communication means of Quentin as described in claim 23 above. Given that obviousness any communication from the website would inherently be a computer readable data file.

Response to Arguments

8. Applicant's arguments filed 03/03/2005 have been fully considered but they are not persuasive.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., arguments on pp. 9-10, regarding the general alleged definition of a multi-function machine) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). An entire paragraph or section can be substituted by a simple phrase in the claims, especially in this case, as the desired language to be read into the claim includes "etc." which would provide no limit to the scope of the claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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